

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4482

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## AN ACT

To require the Secretary of Homeland Security to prepare a southwest border threat analysis, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Southwest Border Se-  
3 curity Threat Assessment Act of 2016”.

4 **SEC. 2. SOUTHWEST BORDER THREAT ANALYSIS.**

5 (a) IN GENERAL.—Not later than 180 days after the  
6 date of the enactment of this Act, the Secretary of Home-  
7 land Security shall submit to the Committee on Homeland  
8 Security of the House of Representatives and the Com-  
9 mittee on Homeland Security and Governmental Affairs  
10 of the Senate a southwest border threat analysis that in-  
11 cludes the following:

12 (1) An assessment of current and potential ter-  
13 rorism and criminal threats posed by individuals and  
14 organized groups seeking to—

15 (A) unlawfully enter the United States  
16 through the southwest border; or

17 (B) exploit security vulnerabilities along  
18 the southwest border.

19 (2) An assessment of improvements needed at  
20 and between ports of entry along the southwest bor-  
21 der to prevent terrorists and instruments of terror  
22 from entering the United States.

23 (3) An assessment of gaps in law, policy, and  
24 coordination between State, local, or tribal law en-  
25 forcement, international agreements, or tribal agree-  
26 ments that hinder effective and efficient border secu-

1 rity, counterterrorism, and anti-human smuggling  
2 and trafficking efforts.

3 (4) An assessment of the flow of legitimate  
4 trade along the southwest border.

5 (5) An assessment of the current percentage of  
6 situational awareness achieved by the Department of  
7 Homeland Security along the southwest border.

8 (6) An assessment of the current percentage of  
9 operational control (as such term is defined in sec-  
10 tion 2 of the Secure Fence Act of 2006 (8 U.S.C.  
11 1701 note; Public Law 109–367)) achieved by the  
12 Department of Homeland Security of the southwest.

13 (7) An assessment of impact of trusted traveler  
14 programs on border wait times and border security.

15 (8) An assessment of traveler crossing times  
16 and any potential security vulnerability associated  
17 with prolonged wait times.

18 (b) ANALYSIS REQUIREMENTS.—For the southwest  
19 border threat analysis required under subsection (a), the  
20 Secretary of Homeland Security shall consider and exam-  
21 ine the following:

22 (1) Technology needs and challenges, including  
23 such needs and challenges identified as a result of  
24 previous investments that have not fully realized the  
25 security and operational benefits that were sought.

1           (2) Personnel needs and challenges, including  
2           such needs and challenges associated with recruit-  
3           ment and hiring.

4           (3) Infrastructure needs and challenges.

5           (4) The roles and authorities of State, local,  
6           and tribal law enforcement in general border secu-  
7           rity activities.

8           (5) The status of coordination among Federal,  
9           State, local, tribal, and Mexican law enforcement en-  
10          tities relating to border security.

11          (6) The terrain, population density, and climate  
12          along the southwest border.

13          (7) International agreements between the  
14          United States and Mexico related to border security.

15          (c) CLASSIFIED THREAT ANALYSIS.—To the extent  
16          possible, the Secretary of Homeland Security shall submit  
17          the southwest border threat analysis required under sub-  
18          section (a) in unclassified form. The Secretary may submit  
19          a portion of such threat analysis in classified form if the  
20          Secretary determines such is appropriate.

21          **SEC. 3. BORDER PATROL STRATEGIC PLAN.**

22          (a) IN GENERAL.—Not later than 180 days after the  
23          submission of the threat analysis required under section  
24          2 but not later than June 30, 2017, and every five years  
25          thereafter, the Secretary of Homeland Security, acting

1 through the Chief of U.S. Border Patrol, shall, in con-  
2 sultation with the Officer for Civil Rights and Civil Lib-  
3 erties of the Department of Homeland Security, issue a  
4 Border Patrol Strategic Plan.

5 (b) CONTENTS.—The Border Patrol Strategic Plan  
6 required under subsection (a) shall include, at a minimum,  
7 a consideration of the following:

8 (1) The southwest border threat analysis re-  
9 quired under section 2, with an emphasis on efforts  
10 to mitigate threats identified in such threat analysis.

11 (2) Efforts to analyze and disseminate border  
12 security and border threat information between De-  
13 partment of Homeland Security border security com-  
14 ponents and with other appropriate Federal depart-  
15 ments and agencies with missions associated with  
16 the border.

17 (3) Efforts to increase situational awareness,  
18 including the following:

19 (A) Surveillance capabilities, including ca-  
20 pabilities developed or utilized by the Depart-  
21 ment of Defense, and any appropriate tech-  
22 nology determined to be excess by the Depart-  
23 ment of Defense.

1           (B) Use of manned aircraft and unmanned  
2           aerial systems, including camera and sensor  
3           technology deployed on such assets.

4           (4) Efforts to detect and prevent terrorists and  
5           instruments of terrorism from entering the United  
6           States.

7           (5) Efforts to detect, interdict, and disrupt  
8           aliens and illicit drugs at the earliest possible point.

9           (6) Efforts to focus intelligence collection to  
10          disrupt transnational criminal organizations outside  
11          of the international and maritime borders of the  
12          United States.

13          (7) Efforts to ensure that any new border secu-  
14          rity technology can be operationally integrated with  
15          existing technologies in use by the Department of  
16          Homeland Security.

17          (8) Technology required to maintain, support,  
18          and enhance security and facilitate trade at ports of  
19          entry, including nonintrusive detection equipment,  
20          radiation detection equipment, biometric technology,  
21          surveillance systems, and other sensors and tech-  
22          nology that the Secretary of Homeland Security de-  
23          termines necessary.

24          (9) Operational coordination unity of effort ini-  
25          tiatives of the border security components of the De-

1       partment of Homeland Security, including any rel-  
2       evant task forces of the Department.

3               (10) Lessons learned from Operation Jumpstart  
4       and Operation Phalanx.

5               (11) Cooperative agreements and information  
6       sharing with State, local, tribal, territorial, and  
7       other Federal law enforcement agencies that have  
8       jurisdiction on the northern or southern border.

9               (12) Border security information received from  
10      consultation with State, local, tribal, territorial, and  
11      Federal law enforcement agencies that have jurisdic-  
12      tion on the northern or southern border, or in the  
13      maritime environment, and from border community  
14      stakeholders (including through public meetings with  
15      such stakeholders), including representatives from  
16      border agricultural and ranching organizations and  
17      representatives from business and civic organizations  
18      along the northern or southern border.

19              (13) Staffing requirements for all departmental  
20      border security functions.

21              (14) A prioritized list of departmental research  
22      and development objectives to enhance the security  
23      of the southwest border.

24              (15) An assessment of training programs, in-  
25      cluding training programs regarding the following:

1           (A) Identifying and detecting fraudulent  
2 documents.

3           (B) Understanding the scope of enforce-  
4 ment authorities and the use of force policies.

5           (C) Screening, identifying, and addressing  
6 vulnerable populations, such as children and  
7 victims of human trafficking.

8           (16) An assessment of how border security op-  
9 erations affect crossing times.

10 **SEC. 4. DEFINITIONS.**

11       In this Act:

12           (1) **SITUATIONAL AWARENESS.**—The term “sit-  
13 uational awareness” means a knowledge and unified  
14 understanding of unlawful cross-border activity, in-  
15 cluding threats and trends concerning illicit traf-  
16 ficking and unlawful crossings (which may be used  
17 to forecast future shifts in such threats and trends),  
18 and the operational capability to conduct continuous  
19 and integrated surveillance of the international bor-  
20 ders of the United States.



1           (2) SOUTHWEST BORDER.—The term “south-  
2           west border” means the land and maritime borders  
3           between the United States and Mexico.

Passed the House of Representatives April 13, 2016.

Attest:

*Clerk.*

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